

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Larry R. Propotnik,

Civil No. 14-3799 (PJS/JJK)

Petitioner,

v.

**ORDER**

Minn. Dept. of Corrections; Tom Roy,  
Commissioner, MCF-RC; and Warden Steve  
Hammer;

Respondents.

---

Larry R. Propotnik, 104328, MN Correctional Facility, MCF – RC 7600 525th Street, Rush City, MN 55069, Petitioner, *pro se*.

Matthew Frank, Esq., and James B. Early, Esq., Minnesota Attorney General's Office, 445 Minnesota St., Ste 1800, St Paul, MN 55101, counsel for Respondents.

---

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated October 1, 2014. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Petitioner's Eighth Amendment claims in Ground Two of the Petition be **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

Date: 10/27/14

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge